

**Industrial Commission's Advisory Committee
On Workers' Compensation**

**Minutes
November 10, 2004**

Members Present:

Jack Barrett
Bob Shosted
John Greenfield
Senator Andreason
Dave Gribskov
Max Sheils

Rian Van Leuven
Linda Sams
Dave Whaley
Keith Hutchinson
Tracy Whigam

Members Absent:

Steve Millard
Willis Norton
John Tippetts

Opening Remarks:

Chairman John Greenfield welcomed the new members of the Advisory Committee, Linda J. Sams, Safety Coordinator for Litehouse, Inc., and Max Sheils, Attorney at Ellis Brown & Sheils. Chairman Greenfield gave a brief overview of the history of the Workers' Compensation Program and the role of the Advisory Committee.

The Chairman introduced Ted Roper, the newly appointed Manager of the Industrial Special Indemnity Fund. Mr. Roper addressed the members with a short history of his work experience.

Minutes:

It was moved and seconded that the Minutes of the August 24, 2004, meeting be approved as written. The motion carried.

Benefits Administration Presentation – Scott McDougall:

Scott McDougall with the Industrial Commission's Benefits Administration Bureau gave a presentation on the responsibilities and activities of the Benefits Administration Bureau. Mr. McDougall reported that the claims staff processes approximately 45,000 claims each year. Time-loss claims requiring audit and data input of a closing Summary of Payments make up about 8,500 of those claims.

Benefits Administration is also responsible for the front desk reception and record retention areas of the Commission. In July of 2004 records retention received 980 requests for information, conducted 284 searches, and made and mailed 5,307 copies. Medical fee disputes are handled by Rich Monson in Benefits Administration. Mr. McDougall reported that Benefits Administration includes five Compensation Consultants who respond to inquiries from claimants, adjusters, attorneys, providers,

employers, etc. They review and make recommendations on proposed Lump Sum Settlements (862 through October of 2004), conduct surety audits, employer site visits, and provide on-site training on the workers' compensation system to medical providers.

Kim Takagi, a Compensation Consultant in Benefits Administration is the lead trainer and authored the training program for the Industrial Commission's Workers' Compensation Certification Course held around the state. Two hundred fifty-six people have taken the course to date.

Proposed Amendments - §72-706 and §72-424, Idaho Code:

Teresa Molitor with IACI and Attorney Jon Bauman presented proposed legislation that would amend Idaho Code §72-706 and §72-424. Idaho Code §72-706 would establish a statute of limitations on medical benefits in denied workers' compensation claims. Idaho Code §72-424 would require that permanent impairment evaluations or ratings be restricted to qualified physicians.

After discussion, Dave Whaley proposed that a subcommittee be formed to study the effects of the proposed legislation and report back to the Advisory Committee in three weeks. The recommendation of the subcommittee will then be sent to the Advisory Committee members via email to see if consensus is possible. The subcommittee members are Jack Barrett, Chair, John Greenfield, Keith Hutchinson, and Max Sheils. Special members may be called upon for input regarding the effects of the proposed legislation.

Medical Fee Database:

Dave Gribskov, Chair of the Medical Fee Subcommittee, reported the results of the last task force meeting. The Task Force is recommending that the Commission (1) use Idaho specific charge data received, scrubbed, and compiled by the Industrial Commission in determining the maximum allowable reimbursement for CPT coded services; (2) request current charge data from payors annually, or adjust values using an acceptable percentage; and (3) have the Industrial Commission or the Advisory Committee determine the appropriate maximum value using the Idaho specific charge data. Discussion was held and public comments were received.

Consensus of the Advisory Committee was to schedule a meeting with the Commissioners, task force, and subcommittee members to hear their concerns and recommendations before the Industrial Commission determines the best method to ascertain the maximum allowable reimbursement for providers.

Commission Finances:

Bob Shosted, Chair, reported that the Finance Subcommittee met November 4, to discuss how to provide adequate funding on an on-going basis for the Industrial Commission, and to limit the growth of the cash balance. It was suggested that legislation be proposed to

provide a trigger mechanism on the premium tax with a minimum and maximum range that would adjust up or down based on the amount of available funding and the current fiscal year appropriation. Consensus was reached for the subcommittee to research and draft proposed legislation to establish a trigger effect mechanism on premium tax.

December 1, 2004, is the target date for a recommendation from the Finance Subcommittee, which will then be sent to the Advisory Committee members by email for consensus.

Other Issues:

Update on Legislative Presentation:

Commissioner Limbaugh reported that the Industrial Commission recently hired a Public Information Specialist who will help format an educational presentation on the role of the Industrial Commission for the germane committees of the legislature. Once the presentation is completed, it will be sent to the Advisory Committee members for review and the members will be notified when the presentations are scheduled.

The Advisory Committee members requested that they be informed of any legislation the Industrial Commission is tracking that would impact the workers' compensation program.

The next meeting was scheduled for January 19, 2005 at 10:30 a.m. Members of Senator Andreason's Commerce and Human Resource Committee will be attending the Advisory Committee meeting at 1:30 p.m.

Topics of discussion for the next meeting are:

- Legislation
- Update on Commission Finances
- Update on Medical Fee Database
- Legislative Presentation
- Update on Physician Fee Letter